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MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			LONSBERRY, HUNTER B	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/321,569

Applicant(s)

HENDRICKS ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 18-24, 26-28, 34-41, 50-52, 56-61, 63-73, 75-78 and 87-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-12, 14, 16, 18-24, 26, 28, 34-41, 50-52, 56-61, 63-74, 77, 78 and 87-89 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 13, 27, 75 and 76 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Young fails to disclose a graphics compressor (response page 13).

Regarding applicants argument, the examiner has cited portions of U.S. 5,850,230 to San for teaching the use of a video decompressor in claim 73.

The previously indicated allowability of claim 74 has been withdrawn. Claim 73, which now incorporates the limitations of claim 74, has been rejected by U.S. Patent 4,775,935 to Yourick in view of U.S. Patent 5,479,268 to Young and U.S. Patent 5,483,278 to Strubbe.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1, 4-7, 14, 20-22, 24, 26, 28, 34-36, 51-52, 57, 61, 67, and 69, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami.

Regarding claims 1, 24, 36, 57, and 61, Young discloses a system for suggesting programs (figure 22 a/b), comprising;

a menu (figures 14-17), wherein certain criteria are provided to assist a search of programs for suggestion (column 10, lines 21-column 11, lines 33);

a control (selection boxes 104/106), wherein desired search criteria can be selected;

a database of descriptions of a plurality of programs (program listings stored in schedule memory 232, column 12, line 56-68); and

a processor 228, wherein the processor performs the search of programs for selection by searching the database of program descriptions with the selected search criteria and, the processor generating a list of suggested programs for viewing (column 10, lines 21-column 11, lines 33).

Young fails to disclose the use of other search criteria selected from a thesaurus in response to said selected search criteria.

Kanaegami disclose a search system which incorporates a thesaurus, in response to a user keyword query, synonyms for the search terms are found by consulting a thesaurus database and are automatically input into the search (figures 3, 6, column 8, lines 20-24, 56-65, column 14, line 18-column 15, line 7, column 20, lines

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50-column 21, lines 24), thus enabling a user to better find a desired program through an expanded use of search terms.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young to utilize the thesaurus search feature of Kanaegami, thus enabling a user to better find a desired program through an expanded use of search terms.

Regarding claims 4-7, 26, and 28, Young discloses that a user may use a theme command and topic selection, these themes and topics include Action, and documentary (figure 14-17).

Regarding claim 14, Young discloses in figure 14 that a user may select a rating search criteria, such as G, PG, NR and R.

Regarding claim 20, Young discloses in figure 21, a remote control.

Regarding claim 21, Young discloses buttons 106 in Figure 14 including a movies button 106 Figure 14).

Regarding claim 22, Young discloses in Figure 10, a program abstract 70.

Regarding claims 34-35, Young discloses that the search results, including program descriptions (titles/times) are displayed after a user selects the selection criteria (Figure 18).

Regarding claims 51-52, Young discloses that a user may search by topic or theme, and these search results are presented to a user (figure 18), these categories include sports, movies and documentaries (Figures 14-17).

Regarding claim 67, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor 228 searches program guide abstracts stored in memory 232, based of criteria selected by a user utilizing remote 212, the criteria being stored in system ram 240, and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young fails to disclose the use of other search criteria selected from a thesaurus in response to said selected search criteria.

Kanaegami disclose a search system which incorporates a thesaurus, in response to a user keyword query, synonyms for the search terms are found by consulting a thesaurus database and are automatically input into the search (figures 3, 6, column 8, lines 20-24, 56-65, column 14, line 18-column 15, line 7, column 20, lines 50-column 21, lines 24), thus enabling a user to better find a desired program through an expanded use of search terms.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young to utilize the thesaurus search feature of Kanaegami, thus enabling a user to better find a desired program through an expanded use of search terms.

Regarding claim 69, Young discloses in Figure 21, a remote control that is utilized to navigate the EPG menus (column 12, lines 23-37).

3. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami in further view of comp.risks article.

Regarding claim 58, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young and Kanaegami do not disclose locating the view at a viewer rental store and the programs are video for rental and sale.

Comp.risks article discloses that a user may utilize a kiosk at a video store to aide a user in finding a movie to rent, and lists movies by genre and if the movie is rented out or not (page 9).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young and Kanaegami to utilize the video kiosk of comp.risks thus aiding a user in selecting a video to rent.

The combination of Young, Kanaegami and comp.risks do not disclose selling videos.

The examiner takes official notice that database systems, which list movies for sale, are notoriously well known in the art. Databases for items for sale enable store management to keep track of stock.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young, Kanaegami and comp.risks to list videos for sale, thus enabling the store management to keep track of what videos are in stock.

4. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami in further view of U.S. Patent 4,451,701 to Bendig.

Regarding claim 59, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young and Kanaegami do not disclose having the viewer located at a library.



Bendig discloses that a user may utilize a video receiver to access a public library catalog, and then receive library books by mail (column 1, lines 27-60), thus the viewers location is the library, and a user is able to retrieve a media request without having to leave the home.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young and Kanaegami to utilize the library access system of Bendig, thus enabling a user to receive media without having to leave their own home.

5. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami in further view of misc.consumers article.

Regarding claim 60, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young and Kanaegami do not disclose having the viewer located at a bookstore.

Misc.consumers article discloses that bookstores may enable a user to keyword search a database of books (entire document), thus aiding a user in finding media of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young and Kanaegami to enable a user to search a database as taught by the misc.consumers article, thus enabling a user to find media of interest.

6. Claims 68 and 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami in further view of U.S. Patent 5,850,230 to San.

Regarding claim 68, Young discloses the use of video display generator 224 to output the listings for display on the TV (column 13, lines 8-13).

Young inherently makes use of a text generator and combiner, as Young discloses combined text/graphical displays figure 10, 13 and 14).

Young and Kanaegami do not disclose the use of a graphics decompressor.

San discloses a console device in figures 1-3, data is transferred into video ram of the console, where is it decompressed by graphics decompressor 2, (column 9, lines 1-22) thus freeing up the other processors for other tasks (column 9, lines 18-20).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young and Kanaegami to utilize a graphics decompressor as taught by San, thus freeing up the other processors for other tasks.

Regarding claims 70-72, Young discloses in figures 14-17 a number of menus and sub menus which enable a user to add preferences and search criteria, these menus are generated by video display generator 224 (column 13, lines 8-13).

7. Claims 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami and U.S. Patent 4,775,935 to Yourick.

Regarding claims 87 and 89, Young discloses an interactive program guide for use at a for suggesting programs for viewing by a subscriber, comprising:

A database of programs available for selection by the subscriber,

An interface that receives inputs from the subscriber and displays results to the subscriber;

A memory coupled to the interface that receives inputs from the subscriber and displays results to the subscriber,

A processor coupled to the database and the memory, the processor searching the database based on the preferences and the search algorithm to generate a list of suggested programs, the list displayed on the interface.

Young fails to disclose the use of other search criteria selected from a thesaurus in response to said selected search criteria and the use of a kiosk.

Kanaegami disclose a search system which incorporates a thesaurus, in response to a user keyword query, synonyms for the search terms are found by consulting a thesaurus database and are automatically input into the search (figures 3,

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6, column 8, lines 20-24, 56-65, column 14, line 18-column 15, line 7, column 20, lines 50-column 21, lines 24), thus enabling a user to better find a desired program through an expanded use of search terms.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young to utilize the thesaurus search feature of Kanaegami, thus enabling a user to better find a desired program through an expanded use of search terms.

The combination of Young and Kanaegami fails to disclose the use of a kiosk.

Yourick discloses a recommendation system, in which a user answers profiling questions via touch screen interface at a kiosk, which connects to a digital computer 5, the computer then processes the profile and determines which merchandise would be of interest to a user to purchase (column 3, lines 56-64, column 4, lines 4-50, column 5, line 1-column 6, line 16, column 13, lines 31-56).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young and Kanaegami to utilize the Kiosk of Yourick, thus providing choices to a user, which would be of most interest to the user.

Regarding claim 88, the combination of Young, Kanaegami and Yourick discloses a program recommendation system.

The combination of Young, Kanaegami and Yourick fails to disclose information related to program preferences, which includes programs, watched.

The examiner takes official notice that the use of program preferences, which includes programs watched, is notoriously well known in the art. Viewer histories show the types of programs that users prefer to watch, a predict user affinity with a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young, Kanaegami and Yourick to utilize program preferences, which includes programs watched to predict user affinity with a program based upon what a user has previously watched.

8. Claims 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young and U.S. Patent 5,297,039 to Kanaegami in further view of U.S. Patent 4,992,972 to Brooks.

Regarding claims 16 and 18-19, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose enabling the entry of words to search for a program, and the use of negative search criteria.

Brooks discloses an online search function in which a user may enter multiple keywords to search for a topic, and utilizes keys on a keyboard to move a cursor on a

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menu display screen (column 2, lines 18-28, column 3, line 23-64, column 4, lines 35-58).

The examiner takes official notice that the use of Boolean logic, including a NOT term, to include and exclude words in a search is well known in the art.

Therefore it would have been obvious to one skilled in the art, at the time of invention to modify the EPG of Young to enable a user to search a database, as taught by Brooks and utilize a negative search term, in order to quickly find programs of interest, and more precisely define a search by excluding items which might be retrieved that are not of interest.

9. Claims 8, 9, and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami in further view of U.S. Patent 5,483,278 to Strubbe.

Regarding claims 8, 9, and 23, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose a video clip as a program descriptor or searching by actors name.

Strubbe discloses a program search system in which a user may search by featured star or view a video clip related to a program (column 3, line 66-column 4, line 7, lines 33-39, column 5, lines 10-16).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young to utilize the video clip and actors name criteria of Strubbe to enable a user to better decide which programs to watch.

10. Claims 10 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young and U.S. Patent 5,297,039 to Kanaegami in further view of U.S. Patent 5,532,754 to Young.

Regarding claims 10 and 12, Young (268) discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young (268) and Kanaegami does not disclose the use of time as search criteria.

Young (754) discloses that a user may use a set of selection boxes to set the range of years for program searches (column 14, lines 37-53).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the EPG search criteria of Young (268) and Kanaegami to include the year range of Young (754) to reduce the number of search results and increase the ease of searching.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,532,754 to Young and U.S. Patent 5,297,039 to Kanaegami in further view of U.S. Patent 4,706,121 to Young.

Regarding claim 11, Young (268) discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young (268), Kanaegami and Young (754) do not disclose a preferred time criteria.

Young (121) discloses that a use may press a P button (figure 5) to restrict listings to just prime time (column 13, line 61-column 14, line 27).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Young (268/754) and Kanaegami to include the preferred time of day feature of Young (121) to enable a user to quickly browse prime time programming and locate shows of interest.

12. Claims 37-41, 50 and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami in further view of U.S. Patent 4,602, 279 to Freeman.



Regarding claim 37-40, and 50, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young and Kanaegami does not disclose utilizing and asking questions to create a personal profile.

Freeman discloses a personal profile which is created locally, a user is asked personal information prior to a program selection, and based off the selection criteria score, different programming options are displayed, questions include sex and age (column 7, line 32-column 8, line 65).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young and Kanaegami to utilize demographic data supplied by a user, to better tailor programming choices of interest to that user.

Regarding claim 41, Freeman discloses a profiling system.

Young and Freeman do not disclose asking profiling characteristics, such as name, place of birth, place of higher education, employment type, amount of television viewing, number of programs watched in a particular programming category.

The examiner takes official notice that surveys, opinion polls, and the census are well known in the art for collecting demographic and profiling data including name, place of birth, place of higher education, employment type, amount of television viewing,

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number of programs watched in a particular programming category are well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young and Freeman to collect additional profiling data such as name, place of birth, place of higher education, employment type, amount of television viewing, number of programs watched in a particular programming category, in order to better tailor programming choices.

Regarding claim 63-64, Freeman discloses a personal profile which is created locally, a user is asked personal information prior to a program selection, and based off the selection criteria score, different commercials are displayed, questions include sex and age (column 7, line 32-column 8, line 65).

Regarding claim 65, Freeman discloses a personal profile which is created locally, a user is asked personal information prior to a program selection, and based off the selection criteria score, different commercials are displayed, questions include sex and age (column 7, line 32-column 8, line 65).

Young, Kanaegami and Freeman do not disclose enabling a user to make a purchase of an advertised item.

The examiner takes official notice that allowing a user to make a purchase of an advertised item via a STB is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Young and Freeman to enable a user to make a purchase of an advertised item, in order to enable a user to make an impulse buy.

Regarding claim 66, Freeman discloses a personal profile which is created locally, a user is asked personal information prior to a program selection, and based off the selection criteria score, different commercials are displayed, questions include sex and age (column 7, line 32-column 8, line 65).

Young, Kanaegami and Freeman do not disclose displaying an ad along with the search criteria.

The examiner takes official notice that displaying an advertisement along with search criteria is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Young and Freeman to display a targeted advertisement along with search criteria, in order to display ads which are of interest to a user and subsidize programming costs.

13. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,479,268 to Young in view of U.S. Patent 5,297,039 to Kanaegami in further view of U.S. Patent 5,550,863 to Yurt.

Regarding claim 56, Young discloses an electronic program guide in which a user manipulates menu items to select different program listing search criteria, a

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processor searches program guide data stored in memory and returns program listings to the EPG display for a user to select (figures 14-18, column 10, line 21-column 11, line 33, column 12, line 38-column 13, line 13).

Young does not disclose the use of electronic books.

Yurt discloses a system for transmitting data in which a user requests audio video or electronic books (column 4, lines 51-60, column 5, line 63-column 6, line 4), thus enabling a user to readily access an electronic book of interest from a remote location.

Therefore, it would have been obvious to one skilled in the art to modify Young to include electronic books as taught by Yurt, to enable a user to readily access an electronic book of interest from a remote location.

14. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,775,935 to Yourick in view of U.S. Patent 5,479,268 to Young and U.S. Patent 5,483,278 to Strubbe.

Regarding claim 73, Yourick discloses a recommendation system, in which a user answers profiling questions via touch screen interface, which connects to a digital computer 5, the computer then processes the profile and determines which merchandise would be of interest to a user to purchase (column 3, lines 56-64, column 4, lines 4-50, column 5, line 1-column 6, line 16, column 13, lines 31-56).

Yourick inherently contains a processor and memory as a processor is required to interpret a user's selections and memory is required to store the merchandise entries and associated profiling scores.

Yourick does not disclose recommending video selections or the use of questions that determine a users mood.

Young discloses an EPG system in which a user enters search criteria and video selections are returned (column 10, line 21-column 11, line 33).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the suggestion/profiling features of Yourick to include the video program entries of Young, to enable a user to quickly select programming, which would be of the most interest.

The combination of Yourick and Young fails to disclose questions to determine a users mood.

Strubbe discloses determining a mood profile (figure 4), via asking a user to register whether or not the user likes or dislikes a program (column 5, lines 41-51), a user indicates "liked" for a number of comedy selections during a browsing session, the user's mood profile would then be dominated by comedy selections, thus indicating the user is in the mood for a comedy (column 6, lines 39-53) therefore aiding a user in selecting a program to watch.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Yourick and Young to utilize the questions of

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Strubbe to determine user preferences, thus aiding a user in selecting a program to watch.

15. Claims 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,775,935 to Yourick in view of U.S. Patent 5,479,268 to Young and U.S. Patent 5,483,278 to Strubbe in further view of U.S. Patent 5,251,324 to McMullan.

Regarding claims 77 and 78, Yourick discloses a merchandize profiling/selection system.

The combination of Yourick, Strubbe and Young do not disclose the use of historical data, including programs watched data as part of a profile.

McMullan discloses a system in which a user enters profiling data, the programs a user watches are then tracked and reported to better determine the specific audience for each program (column 23, line 65-column 24, line 49, column 25, line 51-column 26, line 15).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Yourick, Strubbe and Young to include the programs watched feature of McMullan to better profile a user and match programs of interest to a user.

***Allowable Subject Matter***

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16. Claims 2, 3, 13, 27, and 75-76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

  
CHRIS GRANT  
PRIMARY EXAMINER